



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

9900006

EPA Region 5 Records Ctr.



247689

EP 13 2005

REPLY TO THE ATTENTION OF

Boj

SE-5J

MEMORANDUM

DATE:

SUBJECT: **ENFORCEMENT ACTION MEMORANDUM** - Determination of Need to Conduct a Time-Critical Removal Action at the Gor Drum Site, Chicago and Bedford Park, Cook County, Illinois (Site ID # B5CK)

FROM: Steve Faryan and Mike Ribordy, On-Scene Coordinators
Emergency Response Section II *Mike Ribordy*

TO: Richard C. Karl, Director
Superfund Division

THRU: Linda M. Nachowicz, Chief
Emergency Response Branch *Linda Nachowicz*

I. PURPOSE

The purpose of this memorandum is to document the determination of an imminent and substantial threat to public health, welfare, and to the environment posed by the release and imminent threat of release of uncontrolled hazardous substances and wastes, including corrosive wastes, at the Gor Drum Site (Site). These substances are present in various containers and tanks mainly inside fourteen abandoned trailers and a nearby dilapidated building.

The proposed removal action at the Site is a time-critical removal. The removal is time-critical due to the Site conditions, which pose a threat to human health and the environment from the release or imminent threat of a release of hazardous substances, pollutants, and contaminants. Over 500 drums, containers, and totes are present in trailers in an open lot and in a dilapidated building. Many of the drums or containers have no labeling, have deteriorated and spilled their contents, and are not segregated in any exact manner. The building is in deteriorating condition in a mixed residential,

commercial and industrial area. Until addressed, the wastes present at the Site pose the risk of potential inhalation, ingestion and direct contact hazards to surrounding residents in this mixed residential, industrial, and commercial area.

The proposed response action is United States Environmental Protection Agency (U.S. EPA) oversight of work to be performed by the owner and operator, Ravi Corporation and VJ Compounding Corporation d/b/a the L. Carlton Mertz Company, under an Administrative Order on Consent (AOC). The work shall include the proper identification, consolidation, packaging, removing and disposing (off-site) of all hazardous substances and hazardous wastes. This response action will be conducted in accordance with Section 104(a)(1) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), as amended, 42 USC §9604(a)(1).

The Gor Drum Site is not included on the National Priorities List (NPL).

II. SITE CONDITIONS AND BACKGROUND

CERCLIS ID # ILD 050 566 918

A. Physical Location and Description

The Gor Drum site consists of a parking lot located at 6158 West 65th Street, Chicago, Cook County, Illinois and a dilapidated building located at 6147 West 65th Street, Bedford Park, Illinois. The Site is in an industrial, commercial, and residential area at the intersection of West 65th Street and South Melvina Avenue. The geographic coordinates for the Site are latitude 41° 46' 26" north and longitude -87° 46' 33" west.

B. Environmental Justice Analysis

An environmental justice analysis has been prepared for the area surrounding the Site (Attachment 1). In Illinois, the low-income percentage is 27% or greater and the minority percentage is 32% or greater. To meet the environmental justice (EJ) concern criteria, the area within one mile of the Site must have a population that's twice the state low-income percentage and/or twice the state minority percentage. That is, the area must be at least 54% low-income and/or 64% minority. At this site, the low-income percentage is 12% and the minority percentage is 19%. Therefore, this Site does not meet the region's EJ criteria based on demographics as identified in the "Region 5 Superfund EJ Analysis Gor Drum Site, Chicago, Illinois".

C. Site Description and Background

The Gor Drum Site is located in a high density mixed industrial, commercial, and residential area. Residential properties are located immediately to the north of the Site. The Site consists of a dilapidated building that served as a warehouse with connecting office area. The building was operated by VJ Compounding Corporation, d/b/a th L. Carlton Mertz Company. Its president is Vishnu Gor. The company is a private label compounding operation that formulated and mixed primarily cleaning compounds. In addition, another of Mr. Gor's companies, Ravi Corporation, owns the lot across West 65th Street which is a fenced parking area currently holding fourteen semi-trailers. This lot was used by employees of L. Carlton Mertz to park their cars.

The U.S. EPA's Criminal Investigation Division (CID) and the Illinois Environmental Protection Agency (IEPA) conducted sampling at the L. Carlton Mertz warehouse on October 23, 2003, acting on a complaint of abandonment of drums at the warehouse.

The drums were considered to be hazardous substances and hazardous waste based on the definitions provided in CERCLA, the Resource Conservation and Recovery Act (RCRA) for hazardous substances and waste, and the corresponding regulations regarding characteristics of corrosivity. Under CERCLA, a "hazardous substance" means any hazardous waste having the characteristics identified or listed pursuant to section 2001 of the Solid Waste Disposal Act, 42 U.S.C. Section 6921. These characteristics include the RCRA standard of corrosivity. The Code of Federal Regulations state the RCRA standard of corrosivity as follows: "a solid waste exhibits the characteristic of corrosivity if a representative sample . . . is aqueous and has a pH less than or equal to 2 or greater than or equal to 12.5 as determined by a pH meter. . . " 40 C.F.R. 261.22. A solid waste is defined in RCRA as any sludge or liquid or other discarded material from industrial or commercial operations. 42 U.S.C. Section 6903(27). The sampling results showed that 9 of the 10 drums sampled contained sludges and liquids or other discarded material from commercial operations, and that they had pH greater than 12.5.

Furthermore, on or around July 8, 2005, the Bedford Park Fire Department discovered fourteen semi-trailer trucks parked at the Site. Upon closer observation, it was discovered that one of the trailers was leaking an unknown substance. The Bedford Park Fire

Department contacted the City of Chicago since the trailers were located within the Chicago City limits.

On July 13th, the U.S. EPA Emergency Response Branch (ERB) responded to a request from the City of Chicago Department of the Environment (DOE), regarding a parking lot with fourteen semi-trailers filled with drums and totes of unknown chemicals, some of which were leaking. Upon arrival at the Site, U.S. EPA ERB met with Chicago DOE, U.S. EPA CID, and IEPA. At least nine of the fourteen trailers appeared to be full of 55-gallon drums and totes. U.S. EPA and IEPA sampled some of the drums nearest to the trailer doors with pH paper. Mr. Mark Retzlaff with the IEPA documented the sampling in his memorandum dated July 14, 2005, which indicates that two 55-gallon drums were sampled and screened with pH paper and found to have a pH of 14 and their contents were leaking their contents. Based on this limited sampling, information obtained from the owners of the trailers, and by identification of visible drum labels, and information regarding prior business operations at the Site, it was determined that some of the drums and totes contained acids, caustics, and oxidizers.

Many of the drums inside the trailers were in poor condition with material present on the outside of the drums. The leaking containers appeared to be perfume agents used in the manufacturing of industrial cleansers. Sorbent pads and oil dry were used to contain the perfume agents. The owners of the parking lot indicated that contents of the trailers were previously owned by them, but had been sold to Farhut, Inc. Farhut, Inc., though its president, Mohammed Gheith, however, has denied ownership. Because no parties claimed ownership, the U.S. EPA considers the drums and totes in the trailers and in the dilapidated building to be abandoned.

On July 14th, U.S. EPA gave verbal notice to representatives of Ravi and VJ Compounding Corporations, the owners and operators on the Site to address the drums and totes; the representatives agreed to secure the Site and address the drums.

On July 26, 2005, U.S. EPA met with Neil Gor who a representative of the owner of the Site, Ravi Corporation. U.S. EPA observed that a chain-link fence had been constructed around the fourteen trailers with a locked gate and a security guard present in the area. One of the trailers was still leaking material to the ground. U.S. EPA requested a container be placed under the trailer to contain the spilled material. U.S. EPA also inspected the warehouse immediately south of the parking area. Mr. Gor was interested in using the old warehouse to stage and sample the

drums in the trailers. U.S. EPA observed over 500 55-gallon drums and a number of totes throughout the dilapidated building. Many of the drums were in poor condition with material present on the outside of the drums. Some of the drums were leaking their contents onto the floor. Many of the drums had labels indicating they contained acids, caustics, and oxidizers. Laboratory chemicals from the on-site laboratory were being stored in the building. Numerous pallets were observed stacked with bags of raw materials including sodium hydroxide. Many of these bags were ripped open, releasing their contents. The totes reportedly contain waste water from previous Site operations.

On August 10, 2005, U.S. EPA met Neil Gor again at the old warehouse location and observed a slight haze in the warehouse most likely due to fumes from acid reacting with the rain water. The acid was leaking from a nitric acid tank. A strong acid odor was noted in the vicinity of this acid tank in the southeast corner of the building. The roof of the building was found to be leaking in several places. A number of windows were broken both at street level and near the roof line. The broken windows could allow access into the building.

III. THREATS TO PUBLIC HEALTH, WELFARE, OR THE ENVIRONMENT, AND STATUTORY AND REGULATORY AUTHORITIES

The conditions present at the Gor Drum Site constitute an imminent and substantial threat to the public health, or welfare, or the environment based upon the factors set forth in Section 300.415(b)(2) of the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), as amended, 40 CFR Part 300. These factors include, but are not limited to, the following:

- 1) Actual or potential exposure to nearby human populations, animals, or the food chain from hazardous substances or pollutants or contaminants;**

This factor is present at the Site due to the existence of corrosives, oxidizers, and other unknown materials. Many of the drums containing these substances are in poor condition, and in some instances they have degraded such that they are releasing some of their contents to the ground. The Site is located in a high density, mixed commercial/industrial/residential area. The potential exists for trespassers to explore the property and encounter contamination or cause a release of contamination because the warehouse and parking area are currently not occupied. This concern makes it important that access controls on the property be maintained and checked frequently. Currently, the owner is providing 24-hour security for the Site. Without

security, the Site can be easily accessed by the public with limited effort. Field observations indicate the presence of hazardous substances throughout the Site.

Short term exposure of tissue to acids and bases causes burns. Inhalation of acid mists can cause inflammation and ulceration of the respiratory tract. Residential areas are located immediately adjacent to the Site.

2) Hazardous substances or pollutants or contaminants in drums, barrels, tanks, or other bulk storage containers, that may pose a threat of release;

This factor is present at the Site due to the existence of acids, caustics, oxidizers, and unknown substances in 55-gallon drums, containers, totes and tanks. Many of the drums containing these substances are in poor condition, and in some instances have degraded such that they are releasing some of their contents to the ground. The nitric acid tank is leaking into its secondary containment and reacting with rainwater. There are numerous holes in the roof which allows rainwater to infiltrate the building causing further degradation of the drums and tanks. Drums in the fourteen trailers in the parking area are beginning to leak. Materials released in the parking area can migrate off-site with rain and could lead to health and environmental impacts to local populations and the environment.

Based upon waste screening and container labels, hazardous substances exist on Site and are contained in totes, tanks, and 55-gallon drums and smaller containers in varying condition. This includes D002 (characteristic of corrosivity) hazardous waste, as defined by the regulations promulgated pursuant to RCRA at 40 C.F.R. 261.22.

3) Weather conditions that may cause hazardous substances or pollutants or contaminants to migrate or be released;

With the onset of cold temperatures, many of the containers full of corrosive and unknown wastes and other hazardous liquids are subject to freeze and rupture causing widespread contamination. Released materials are subject to be washed off-site causing discharges into the sewer system and soils.

4) The availability of other appropriate Federal or State response mechanisms to respond to the release;

The Chicago DOE requested U.S. EPA's assistance to oversee the cleanup of the Site. The Chicago DOE, Bedford Park, and/or IEPA currently do not have the resources to commit to the project.

IV. ENDANGERMENT DETERMINATION

Given the Site conditions, the nature of the hazardous substances on the Site, and the potential exposure pathways described in Sections II and III above, actual or threatened releases of hazardous substances from the Site, if not addressed by implementing the response actions selected in this Action Memorandum, present an imminent and substantial endangerment to public health, or welfare, or the environment.

V. PROPOSED ACTIONS

The On-Scene Coordinator (OSC) proposes the following actions be undertaken by the potentially responsible party (PRP) to mitigate threats posed by the presence of hazardous substances at the Gor Drum Site:

- a. Prepare a Health and Safety Plan and Work Plan to address the sampling and removal of the contents (including totes and 55-gallon drums) of the warehouse and fourteen trailers, and spillage of waste materials in the warehouse, trailers and pavement at the Site which is owned by Respondents. The Work Plan shall also contain a sampling plan with proper Quality Assurance/Quality Control (QA/QC) and shall outline the selection of a certified lab which is in good standing;
- b. Procure an environmental contractor with proper training, experience and credentials to conduct the work. All contractors and personnel must be 40 hour OSHA trained for hazardous materials management and must show certificates of their training and medical monitoring;
- c. Drums, totes, containers, and unknown and spilled materials will be sampled, analyzed, categorized and staged for disposal. Drums and other containers will be staged in rows by chemical compatibility with adequate space between rows to allow for inspection and sampling of each container. Compatible waste streams will be bulked/re-containerized, and appropriately prepared for transportation and disposal at off-site disposal facilities. Drums and other containers will be labeled with appropriate DOT and hazardous waste labels;

d. Emptied drums, tanks and other containers will be cleaned as necessary, cut to size and disposed of at off-site disposal facilities;

e. Scrape, sweep, decontaminate or remove any areas of the warehouse, trailers or Site where spills have occurred to remove the contamination;

f. Transport and dispose of all characterized or identified hazardous substances, pollutants, wastes, or contaminants, drums, other containers, personal protective gear, empty drums, spilled materials, contaminated pallets, etc., in full compliance with CERCLA, RCRA and all applicable laws;

g. Site security measures will be implemented as necessary to prevent access to the warehouse, trailers and staging areas; and

h. Prepare a final action report which includes all manifests, analytical data, log books, pictures and other Site files.

The response actions described in this memorandum directly address actual or threatened releases of hazardous substances or contaminants at the Gor Drum Site which may pose an imminent and substantial endangerment to public health and safety, and to the environment. These response actions do not impose a burden on the affected property disproportionate to that which the property contributes to the conditions being assessed.

The removal action will be taken in a manner not inconsistent with the NCP. The OSC has begun planning for provisions of post-removal site control, consistent with the provisions of Section 300.415 of the NCP. Elimination of all surface threats is, however, expected to minimize the need for post-removal Site control.

Applicable or relevant and appropriate requirements (ARARs)

On August 29, 2005, U.S. EPA sent a letter to Bruce Everetts with the Illinois EPA, requesting State applicable or relevant and appropriate requirements (ARARs). The removal will comply with any state ARARs identified in a timely manner to the extent practicable.

VI. EXPECTED CHANGE IN THE SITUATION SHOULD ACTION BE DELAYED OR NOT TAKEN

Delayed, or no action, will increase the potential of exposure to hazardous materials and threaten the adjacent population and the environment. No action will likely result in the materials being improperly disposed or abandoned. No action will also allow for potential off-site releases of hazardous materials during rain events, and for continued direct contact potential for the surrounding community.

VII. OUTSTANDING POLICY ISSUES

There are no outstanding policy issues associated with this Site.

VIII. ENFORCEMENT

For administrative purposes, information concerning the enforcement strategy for this Site is contained in the Enforcement Confidential Addendum.

IX. RECOMMENDATION

This decision document represents the selected removal action for the Gor Drum Site, Chicago and Bedford Park, Cook County, Illinois, developed in accordance with CERCLA, as amended, and not inconsistent with the NCP. This decision is based upon the administrative record for the Site (See Attachment 2). Conditions at the Site continue to meet the NCP Section 300.415 (b)(2) criteria for a removal and I recommend your approval of the proposed removal action. It is hoped that the potentially responsible parties will perform all removal actions under the oversight of the OSC. You may indicate your decision by signing below.

APPROVE: _____

 *for RICHARD KARL*
Director, Superfund Division

DATE: _____

9/13/05

DISAPPROVE: _____

Director, Superfund Division

DATE: _____

Enforcement Addendum

Attachments

1. Region 5 EJ Analysis
2. Administrative Record Index

cc: D. Chung, U.S. EPA, 5203-G
M. Chezick, U.S. DOI, **w/o Enf. Addendum**
B. Everetts, Illinois EPA, **w/o Enf. Addendum**
T. Sheahan, Chicago DOE, **w/o Enf. Addendum**

ATTACHMENT 1

**REGION V EJ ANALYSIS
GOR DRUM SITE
CHICAGO AND BEDFORD PARK, COOK COUNTY, ILLINOIS
AUGUST 2005**

Gor Drum Site Chicago, IL



Low Income: 54% or greater

SOL 20 of Part 2: Criminals 2000 Database
 REVIEW 3.11



ATTACHMENT 2

U.S. ENVIRONMENTAL PROTECTION AGENCY

ADMINISTRATIVE RECORD INDEX

FOR

GOR DRUM SITE

CHICAGO AND BEDFORD PARK, COOK COUNTY, ILLINOIS

ORIGINAL

AUGUST 29, 2005

<u>NO.</u>	<u>DATE</u>	<u>AUTHOR</u>	<u>RECIPIENT</u>	<u>TITLE/DESCRIPTION</u>	<u>PAGES</u>
1	00/00/00	U.S. EPA	File	Site Photographs re: the Gor Drum Site	10
2	11/12/03	Illinois EPA	File	Chain of Custody Document for the L.C. Mertz Site	22
3	01/29/04	Illinois EPA	File	Chain of Custody Document for the L.C. Mertz Site	6
4	07/14/05	Kaehler, S., City of Chicago/ Department of Environment	Thomas, C., U.S. EPA	FAX Transmission Forwarding Asset Purchase Agreement for Parking Lot at 6147 W. 65 th Street and Internet Informa- tion for the Gor Drum Site	21
5	07/14/05	Retzlaff, M., Illinois EPA	Grigalauski, C., Illinois EPA	Memorandum re: Waste Screening at Parking Lot Located at 6147 W. 65 th Street	2
6	00/00/00	Faryan, S. & M. Ribordy, U.S. EPA	Karl, R., U.S. EPA	Enforcement Action Memorandum: Determina- tion of Need to Conduct a Time-Critical Removal Action at the Gor Drum Site (PENDING)	